

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No. 20-00972 WJ
)	
vs.)	
)	
TRUDY MARTINEZ,)	
)	
Defendant.)	

**UNITED STATES' RESPONSE TO THE DEFENDANT'S SENTENCING
MEMORANDUM**

The United States received the Defendant's sentencing memorandum on September 1, 2021. [Doc. 59] In her sentencing memorandum the Defendant requests that this Court depart from the low end of the applicable sentencing range by as many as sixty-three months. [Doc. 59 at 4-5] As justification for this significant departure the Defendant relies in large part on a twenty-one-page forensic evaluation report authored by a Dr. Christine Johnson. [Doc. 59-1] The report by Dr. Johnson was authored on September 30, 2020 and only disclosed to the Government one week ago. *Id.* As a result of the late disclosure the report is untested hearsay. While the undersigned understands that hearsay may be admissible at sentencing, admissibility does not equate to reliability. Given the untimely disclosure the United States requests that this Court give this untested hearsay the weight it deserves.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

Electronically filed 9/9/2021
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I HEREBY CERTIFY that on the 9th day of September, 2021, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record to be served by electronic means on this date.

/s/

Thomas J. Aliberti
Assistant United States Attorney